

MEETING MINUTES  
QMI Interagency Resource Consultation Meeting

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**Contact:** Mark Goodwin  
**Title:** Environmental Manager - Burns & McDonnell  
**Date:** June 7, 2017  
**Time:** 9:00am-11:30am  
**Location:** CMP, Augusta

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**Attendees:**

Gerry Mirabile- CMP  
Adam Marquis- CMP  
Mark Goodwin- Burns & McDonnell  
Lauren Johnston- Burns & McDonnell  
Bob Stratton- MDIFW  
John Perry- MDIFW  
John McLaire- MDIFW  
Don Cameron- MNAP  
Jay Clement- USACE  
Mark McCollough- USFWS  
Wende Mahaney- USFWS

***Sign-in sheet and meeting agenda attached***

**Discussion:**

The meeting began with introductions. The Department of Energy (DOE) representative has not been identified as of the date of this meeting. DOE will likely be the lead agency for Section 7 consultation, however that will be determined in the Presidential Permit pre-application meeting. Jay Clement has requested that he be invited to attend that meeting.

A summary of information received to date from the agencies was provided by Lauren Johnston (BMCD).

- USFWS has provided a shapefile for bald eagle nest locations. Wende Mahaney (USFWS) stated that this project does not need to follow the “step process” identified on the USFWS website or to submit a “species summary table” because we will be making regular contact during the consultation process. Burns & McDonnell has obtained the Official Species List.
- MDIFW has provided a shapefile which contains: DWA, SVP buffers, riparian buffers, WWH, and RTE. Also received was an Information Request response letter (dated June 5, 2017) with enclosed Recommended Performance Standards for Riparian Buffers, SVPs, IWWH, and DWA (dated March 26, 2012).

- MNAP has provided a shapefile which contains botanical features documented within 1,000 feet of the QMI transmission line. MNAP has also provided a letter in response to Burns & McDonnell's initial data request letter(dated June 6, 2017).

Boyle Associates has completed delineation and field verification surveys for wetlands and vernal pools. GIS information for all delineations and verifications will be submitted to MDIFW. Data sheets will be submitted for all pools. MDIFW asked BMCD to provide 2017 Resource Delineation Protocol (including previously mapped resources). MDIFW would like the data sheets submitted as soon as possible and noted that they can be submitted in smaller batches so MDIFW can begin review and verification of significance. MDIFW stated that vernal pool determinations will take the most time so getting started as soon as possible is beneficial.

Wildlife discussions were provided by each agency as follows:

#### **USFWS: Mark McCollough and Wende Mahaney**

##### Canada Lynx

- Critical habitat (CH) includes the greenfield line from the Quebec border to a location near The Forks.
- The Section 7 review area is broader than the CH area (two differently mapped areas). USFWS will provide a GIS shapefile for this.
- A biological assessment (BA) should be considered for lynx (and all federally listed species in the project area). The federal agency is responsible for the BA; however it is often applicant-prepared.
- Likely no survey would be needed as lynx are presumed to be in the project area.
- There is existing survey information from MDIFW and it is recommended that we compile this. They have information regarding documented occurrences for the past few years. Contact Jen Vashon (MDIFW).
- The BA should include effects of clearing on CH. Should include total area cleared, how much spruce/fir habitat is to be cleared, how much young versus old spruce/fir habitat is to be cleared. There is a high population of snowshoe hare associated with young spruce/fir habitat.
- To determine presence of lynx habitat (i.e., young spruce/fir stands) we could obtain "stand maps" from landowners or complete a habitat analysis based on aerial photography images. USFWS can provide guidance and protocols for the desktop analysis.
- Scientific literature indicates that Canada Lynx are reluctant to cross 300 feet or more of cleared/unforested area. BMCD noted that the greenfield portion of transmission line will be cleared to a width of 150 feet and, in co-located corridors, the width will not exceed 225 feet in most locations. BA should include some information regarding lynx movement and areas to be cleared.
- BA should include vegetation management standards and the conditions of the ROW post-construction.

- John Perry (MDIFW) will provide contact information for Jen Vashon who is the Lynx biologist at MDIFW. BMCD to contact Jen for survey data and recommendations.

### Eagles

- *Bald Eagles*
  - Bald eagles/golden eagles are protected by the Eagle Act. Setback is 660 feet from the bald eagle nest during active nest season.
  - If CMP needs to pursue a Take Permit, it will take some time.
  - Last survey effort for bald eagles was in 2013.
  - GIS data provided by USFWS has a buffer of 3 miles.
  - Eagles are most likely to be found within ¼ mile of a large wetland or waterbody.
  - Surveys will need to be conducted for the whole line prior to construction but we should identify areas more likely to contain nest sites.
  - Marker balls are a minimization measure for areas near the eagle nests.
  - Contact Charlie Todd (MDIFW) for survey guidance.
  - Two surveys are recommended: one when the eagles are starting to nest and one when the chicks have hatched.
  - Prior to survey, we should draft a scope of work (SOW)/work plan and provide to USFWS for review.
  - Survey dates will vary because of the range of the project. In the south the target date for surveys will be mid-March. In the north, the target date for surveys will be April. A second survey should be conducted two months after initial survey.
- Golden eagles
  - USFWS did not include golden eagle occurrences in GIS shapefile.
  - Northern portion of the project has historic nest locations.
  - Look at MDIFW database for historic nest locations and contact Charlie Todd (MDIFW) for recommendations
  - Cliff faces may provide nest sites.
  - Bob Stratton (MDIFW) indicated that one mapped golden eagle location on MDIFW's list is 5 miles from the project area.
  - No known nesting pairs in the state since 2001. There is one radio tagged eagle (now deceased) with data that we may want to consider.
  - If peregrine falcons are present, eagles are often absent.

### Northern Long-eared bat

- Federally and state listed as threatened.
- USFWS has streamlined consultation process which assumes presence.
- Streamlined consultation has no requirements for surveys (surveys are optional).
- If CMP decides to do surveys, USFWS can provide a survey protocol.
- MDIFW stated that clearing is generally not an issue and they also don't require surveys.

- John Perry (MDIFW) indicated that Cory Mosby (MDIFW small mammal biologist) may have some heightened concern around any rocky features, talus slopes, and we should discuss surveys and acoustic monitoring recommendations near any similar potential habitat areas.
- Mark Goodwin (BMCD) discussed modifying in-corridor access and structure location to avoid habitat.
- Aerial imagery work to identify rocky features and talus slopes may be recommended in consultation.
- Wende Mahaney (USFWS) indicated that time of year restrictions (TOYR) are not required by USFWS; however, the federal action agency may require TOYRs.
- USFWS recommends winter clearing and the action agency will likely encourage the applicant to agree to no clearing between June 1 and July 31.
- For the streamlined process USFWS will need to know total acreage of tree clearing.
- An Incidental Take permit (ITP) is an option if there is known bat activity in the vicinity of the project. ITP's are voluntary if there is a potential take and may provide liability protection to CMP.
- The status of the Northern long-eared bat could soon change to endangered and the 4(D) rule would no longer be applicable. This may be a consideration for longer term projects.
- Bat surveys are good for 3 years.

#### Atlantic Salmon

- During MPRP we avoided in-stream crossings; access for QMI is still being developed.
- The QMI project is within an area mapped for Gulf of Maine Distinct Population Segment (GOM DPS). Certain water bodies within the GOM DPS are defined as Critical Habitat (CH).
- Identify stream crossings in a table and whether each stream is CH and/or within the DPS (MDIFW).
- Direct effects are work in streams, permanent or long-term crossings. Indirect effects are clearing, and erosion and sedimentation.
- Informal consultation for the ESA is driven by a No effect or Not likely to affect finding. Generally, in-stream crossings of streams with known presence of salmon will trigger a formal consultation.

#### Rusty Patch bumblebee

- New listing
- Found west of Penobscot Bay
- Not found near the project area, however surveys continue this summer and it is possible that a survey could find the species near the project.
- No survey would be required at this point.

#### Yellow-banded bumblebee

- Proposed for federal listing and a determination is planned for 2018.
- Surveys have found this species in the southern half of the state.

- Beth Swartz (MDIFW) is a resource for both species and has a statewide bumblebee atlas for survey data.
- Mark McCollough stated that surveys are simple and it might make sense to voluntarily do this prior to the decision.
- Options for mitigation include creation of pollinator habitat within the ROW.

#### Small Whorled Pogonia (USFWS and MNAP)

- Maps include a large geographic area.
- Applicants are to provide information to the federal agency for potential of species presence and determination of effect.
- Aerial photography analysis or on-site visits should be conducted to provide the agency with a habitat assessment and a determination of likelihood of presence.
- MNAP is testing a prototype of a predictive habitat model to help narrow down areas to focus surveys.
- Don Cameron (MNAP) provided the survey protocol to Burns & McDonnell.
- Survey protocol has elimination criteria.
- Don indicated that he will work with CMP or a consultant to refine the search area to determine areas where the species may be supported.
- Survey timing: mid-June to end of September. Surveys could be completed this summer based on this window.
- Don recommends that survey areas extend an additional 150 feet beyond the cleared ROW.
- The small whorled pogonia is found in forested locations, so it would not be found in already cleared ROW.

#### **MNAP: Don Cameron**

- Don suggested that existing rare plant sites identified/surveyed through MPRP should be revisited.
- If completed revisits, all rare plant work could be considered acceptable with some new guidance regarding newly cleared areas. The northern portion of the project is not an area that has a high occurrence of documented rare plant species.
- Areas that are determined to have a higher potential for rare plants should be surveyed.
- The project intersects with one natural community: Upper Floodplain Hardwood Forest in Anson. Gerry noted that this community is rated CD, which is a fair to poor example of this particular resource type. Don indicated that impact to this natural community is not a deal breaker, however it needs to be clarified as an impact. Don stated that ranking would influence MNAPs interest.
- Art Gilman and TRC (for MPRP) came up with a protocol for landscape analysis to identify potential hotspots for rare species or unmapped natural communities.
- In determining which areas to look at or which to consider hotspots, work with MNAP.

**MDIFW: John Perry, Bob Stratton, John McLaine**

John Perry said to make sure we are including the regional biologists in all correspondence as well as the biological specialists identified in the Information Request response letter dated June 5, 2017.

Bats

- Additional details regarding bats were discussed (noted above), and those discussions apply to the state listed species.
- Three additional bats are protected under the Maine Endangered Species Act (MESA) and four are listed as Special Concern.

Northern Bog Lemming

- Occurrences of the Northern Bog Lemming did not get captured by the GIS shapefile provided by MDIFW.
- Found at elevations above 2,700 feet, however new research shows it may be found in areas above 1,000 feet.
- It was noted by MDIFW that DNA sampling can be used to verify presence/absence.
- Cory Mosby (MDIFW) should be consulted.

Rare mussels

- Setbacks are a standard recommendation. Look to avoid impacts by spanning streams and protecting riparian habitat.
- Consult with Beth Swartz (MDIFW). Beth has documentation of known occurrences.

Roaring Brook Mayfly

- Can occur in any of our streams in the northern portion of the project.
- Occurs in elevations of 1,000 feet or higher.
- Similar habitat to the Northern Spring Salamander. Beth Swartz is the contact for both species.

Northern Spring Salamander

- Discussed in tandem with the Roaring Brook Mayfly.

Bicknell's Thrush

- Found in subalpine spruce forest.
- MNAP indicated they have mapped locations of subalpine spruce forest habitat.
- This species is very habitat dependent and is tied to the 2,700 foot elevation, however have been found as low as 2,400 feet.
- USFWS is in process of determining potential listing under the ESA.
- Bob Cordos (MDIFW Region D) and Adrienne Leppold (MDIFW Bird Group) should be contacted.

Rusty blackbird

- Similar habitat requirements to the Bicknell's Thrush.

#### Great Blue Heron

- Consider marker balls at line crossing near feeding areas.
- MDIFW may request aerial surveys for unmapped colonies.
- Timing for surveys does not align with bald eagle survey timing.
- Contact Danielle D'Auria (MDIFW) for consultation.

#### Wood Turtle

- Derek Yorks (MDIFW) will have up to date information.
- Minimal concern but, depending on known hotspots, a survey may be recommended.
- Surveys may be warranted prior to or during construction phase.

#### Other rare invertebrates

- The list provided by MDIFW may not capture all recent occurrences.
- It is advised that we contact Phillip deMaynadier for up to date information.

#### American Eel

- The concern is in-stream work. Any measures to protect streams will protect the eel.

#### Deer wintering area (DWA)

- In the northern portion of the project, DWAs are very important.
- We should rely on the regional biologist in the northern section for consultation regarding mapped DWAs.
- The project should seek to avoid particularly critical DWAs.
- Spanning the DWA or feathering of trees have been used as avoidance or mitigation measures; CMP does not favor feathering for safety and feasibility reasons.
- In higher elevations, clearing of trees could become a barrier for deer.
- Project alignment should attempt to avoid bisecting DWAs where practicable.

#### Inland waterfowl and wading bird habitat (IWWH)

- Setbacks in riparian areas have increased to 250 feet for some IWWH.
- IWWH mapped on aerial imagery may not be field verified.
- High value IWWH should be avoided if possible.
- Marker balls are likely to be recommended near the IWWH.

#### Significant Vernal Pools (SVP)

- Start sending data sheets to Beth Swartz.
- Making verifications on new pools will be the biggest time issue.
- BMCD to contact Beth Swartz to talk about the best way to get them to her and coordination with Boyle.

## Fisheries

- Stream crossings are still being determined by CMP.
- Likely no permanent stream crossings.
- MDIFW to provide brook trout GIS layer.
- Most streams in the northern section have native brook trout.
- MDIFW has concerns regarding riparian buffer clearing and leaving vegetation intact (except for capable species).
- Temperature change (insolation) and wood debris input should be considered as well as erosion control.

## **General Discussion**

- MDIFW asked if there was a Bureau of Public Lands (BPL) intersect? BMCD to follow-up.
- MDIFW asked if there was an intersect with the Coldwater parcel. The route may run along the border of this parcel. MDIFW will provide map. BMCD to follow-up.
- Invasive species list for MPRP was reviewed by Don Cameron (MNAP). Jay Clement suggested that BMCD look at the invasive species list on the ACOE website.
- Mark McCollough brought up staging areas and whether the siting of those areas requires any additional clearing. MPRP utilized already improved areas for laydown yards so no clearing was needed. We will need to evaluate this for QMI.
- John Perry (MDIFW) mentioned the Bigelow route alternative. This alternative has some issues because it goes through an old growth forest and intersects with BPL.
- MDIFW noted that site visits are encouraged with regional staff. The earlier we reach out the better, and will result in minimal surprises after the application is submitted.
- USFWS requested that as soon as we have contact with DOE, the lead for Section 7 consultation should be determined.
- DOE may have specifics regarding what they require for BAs. USFWS has a protocol they worked out with Jay Clement, but DOE may differ.

## **Action Items / BMCD follow up items:**

- Provide agencies a copy of 2017 Resource Delineation Protocol (including previously mapped resources).
- Submit vernal pool data sheets to MDIFW as they are submitted by Boyle Associates.
- Obtain shapefile for lynx Section 7 review area from USFWS.
- Contact Jen Vashon (MDIFW) regarding Canada lynx occurrences near the project area.
- Create stream crossings in a table and identify: Atlantic Salmon GOM DPS, CH (USFWS) or coldwater fisheries resources (MDIFW).
- BMCD to reach out to MDIFW for brook trout GIS layer.
- Confirm whether there is a BPL intersect.
- Confirm whether there an intersect with the Coldwater parcel.
- Review invasive species plan and current invasive species list on USACE website.  
Evaluate the need for laydown areas and additional clearing needs.



# Sign-in Sheet

## Quebec -Maine Interconnect

### Interagency Resource Consultation Meeting

June 7, 2017

Name	Organization	Position	Phone
MARK GOODWIN	BURMAN + McDONNELL	ENV. MANAGER	207-446-5707
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Mark McCollough	USFWS	biologist	207 944-5709
Bob Stratton	MDIFW	Biologist	207-287-5659
John MacLaine	MDIFW	Biologist	207-287-5497
DON CAMERON	DACE-MNAP	Botanist/Ecologist	207-287-8041
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## **Quebec-Maine Interconnect Interagency Resource Consultation Meeting**

### **June 7, 2017, Agenda**

- 1) Safety moment
  - Emergency exits and muster point
- 2) Introductions
  - CMP
  - Burns & McDonnell
  - MDIFW
  - MNAP
  - USFWS
  - ACOE
- 3) Summary of information received to date from agencies by CMP.
  - USFWS
  - MDIFW
  - MNAP
- 4) Wildlife discussions
  - Species managed by USFWS
  - Species managed by MDIFW
  - Species managed by MNAP
- 5) Performance standards
  - Riparian Buffers
  - DWA
  - IWWH
  - Significant Vernal Pools
  - Rare Plants/Unusual Natural Communities
  - Invasive Species
  - Construction Mats
- 6) General discussion